

REMARKS

Claims 1-4, 6-11, 18-19, and 21-28 were pending in the present application. Claims 1, and 18 have been amended, and claims 2, and 19 were canceled. As a result of this amendment, claims 1, 3-4, 6-11, 18, and 21-28 are pending.

Applicants note that the examiner indicated in several places that claims 1-4, 6-11, 18, 19, and 21-29 were pending or rejected. However, the last claim in the Preliminary Amendment was 28; there was no claim 29.

The examiner stated that “the instant claims are accorded a priority date of 2/27/04 (the filing date of the instant application).” However, amended claims 1 and 18, as well as dependent claims 3-4, 7, and 21-22 are entitled to the filing date of the original application, Serial No. 09/932,169 filed August 17, 2001. The processes of claims 1 and 18 are described in Application Serial No. 09/932,169, which discloses the use of carbon nanofibers, one type of carbon nanoparticles. Therefore, claims 1, 3-4, 7, 18, and 21-22 are entitled to the filing date of Application Serial No. 09/932,169.

The rejection of claims 1-4, 6-11, 18, 19, and 21-29 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,680,016 has been overcome. A terminal disclaimer with respect to this patent accompanies this amendment.

The rejection of claims 1, 3, 4, 6, 9-11, 18, and 21-28 under 35 U.S.C. § 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Knudson (2002/0165305), is respectfully traversed. Knudson’s earliest effective filing date is March 2, 2001. Knudson is not available as a reference against the application. Applicants reduced the claimed invention to practice prior to March 2, 2001, as shown by the accompanying Declaration of Chyi-Shan Wang and Max D. Alexander, Jr. Under 37 C.F.R. 1.131. Prior to March 2, 2001, polymeric nanocomposite materials according to the claims were made. Because Knudson is not available as a reference, applicants respectfully request that the rejection under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103 (a) as being unpatentable over, Knudson be withdrawn.

The rejection of claims 1, 3, 4, 6, 9-11, 18, 19, and 21-29 under 35 U.S.C. § 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Carroll (2002/0161101), is respectfully traversed. Carroll's earliest effective filing date is March 22, 2001. Carroll is not available as a reference against the application. Applicants reduced the claimed invention to practice prior to March 22, 2001, as shown by the accompanying Declaration of Chyi-Shan Wang and Max D. Alexander, Jr. Under 37 C.F.R. 1.131. Prior to March 22, 2001, polymeric nanocomposite materials according to the claims were made. Because Carroll is not available as a reference, applicants respectfully request that the rejection under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103 (a) as being unpatentable over, Carroll be withdrawn.

The rejection of claims 1, 3, 4, 6, 9-11, 18, 19, and 21-29 under 35 U.S.C. § 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Sun (2003/001141), is respectfully traversed. Sun's earliest effective filing date is April 26, 2001. Sun is not available as a reference against the application. Applicants reduced the claimed invention to practice prior to April 26, 2001, as shown by the accompanying Declaration of - Chyi-Shan Wang and Max D. Alexander, Jr. Under 37 C.F.R. 1.131. Prior to April 26, 2001, polymeric nanocomposite materials according to the claims were made. Because Sun is not available as a reference, applicants respectfully request that the rejection under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103 (a) as being unpatentable over, Sun be withdrawn.

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CONCLUSION

Applicants respectfully submit that the application is now in condition for allowance.

If the Examiner has any questions or comments regarding the present application, he is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,
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